

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

QUENTIN BERRY

Plaintiff

V.

COMMISSIONER OF)
SOCIAL SECURITY ADMINISTRATION)

Defendant

CIVIL ACTION

NO.

COMPLAINT

Plaintiff, by his attorney, alleges as follows:

1.

The jurisdiction of this Court is invoked pursuant to 42 U.S.C. §§ 405(g) and 1383(c) to review the decision of the Social Security Administration denying Plaintiff's application for Social Security Disability benefits.

2.

Venue in this court is proper.

3.

This action is an appeal from a final administrative decision of the Appeals Council for the Social Security Administration denying Plaintiff's claim.

4.

This action is commenced within the time period set forth in the Notice of Appeals Council Action dated May 8, 2023.

5.

Plaintiff resides in McDonough, Henry County, Georgia.

6.

Defendant, Commissioner of Social Security Administration.

7.

Plaintiff is disabled.

8.

The conclusions and findings of fact of Defendant are not supported by substantial evidence and are contrary to law and regulations.

WHEREFORE, Plaintiff prays that this Court:

- (a) find that Plaintiff is entitled to disability benefits under the provisions of the Social Security Act; or
- (b) remand the case for a further hearing;
- (c) award attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, on the grounds that the Commissioner's action in this case was not substantially justified; and

(d) order such other and further relief as the Court deems just and proper.

This 26th day of June 2023.

ROGERS, HOFRICHTER & KARRH, LLC

s/ David Gregory Rogers

David Gregory Rogers

Atty. for Plaintiff

Ga. State Bar No. 612246

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CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing document(s) and that they are available for viewing and downloading from the Court's CM/ECF system, and that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

The General Counsel
Social Security Administration
Room 617 Altmeyer Building
6401 Security Boulevard
Baltimore, MD 21235

Attorney General of the United States
ATTN: Civil Process Clerk
Department of Justice
Tenth & Constitution Avenue N.W.
Room B324
Washington, D.C. 20530

This 26th day of June 2023.

ROGERS, HOFRICHTER & KARRH, LLC

s/ David Gregory Rogers

David Gregory Rogers
Atty. for Plaintiff
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